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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,562	01/23/2004	Gil M. Vardi	021617.0213D1US	3207
23552	7590	05/24/2007	EXAMINER	
MERCHANT & GOULD PC			SWEET, THOMAS	
P.O. BOX 2903			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402-0903			3738	
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			05/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/762,562	Applicant(s) VARDI ET AL.	
	Examiner Thomas J. Sweet	Art Unit 3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments, see Page 6 of the remarks, filed 03/13/2007, with respect to the abstract have been fully considered and are persuasive. The objection of the abstract has been withdrawn.

Applicant's arguments filed 03/13/2007 have been fully considered but they are not persuasive. With regard to the priority, priority hasn't yet been established.

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection in view of another embodiment of Lashinski et al.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Lashinski et al. Lashinski et al discloses a method (fig. 4 as shown in 3a -3c, col 7, lines 18-20) of positioning a main stent (10') at a vessel bifurcation (as shown in the figs.) such that a side opening (through the branch stent) in the main stent (10') is positioned at the ostium of a branch vessel (as shown in the figs.), comprising:

positioning a main guidewire (208) in the main vessel such that a distal end of the main guidewire extends past the bifurcation (col 7, lines 8-15, such as seen in fig. 3a);

advancing a stent delivery system over the main guidewire to a position proximate the bifurcation (col 7, lines 8-15, as shown in fig. 3b), the stent delivery system comprising a catheter with a flexible side sheath (the balloon at 210) attached thereto, wherein the catheter is

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received over the main guidewire (as shown in fig. 4), and wherein the main stent is positioned over the catheter with the flexible side sheath positioned to pass through the interior of the main stent and out of the side opening in the main stent (such as shown in the figs. 3a-3c); advancing a branch guidewire (212) through the flexible side sheath (the balloon at 210) attached to the catheter and into the branch vessel (such as shown from fig. 3b to fig. 3c and described in col 7 lines 15-20); and subsequently, advancing the catheter over the main guidewire while advancing the flexible side sheath over the branch guidewire (as shown in fig. 3c) while viewing relative movement of a marker positioned on the flexible side sheath (such as the black spot at 115 in fig. 3a) with respect to at least one marker positioned on the catheter (such as the black spot at 120 in fig 3a), wherein the relative movement indicates that a portion of the flexible side sheath adjacent the side opening in the main stent is advancing into the ostium of the branch vessel, thereby indicating the position of the side opening of the main stent with respect to the ostium of the branch vessel.

With regard to claim 2, viewing relative movement of a marker positioned on the flexible side sheath (such as the black spot at 115 in fig. 3a) with respect to at least one marker positioned on the catheter, comprises: viewing an increasing separation distance between the marker positioned on the flexible side sheath with respect to at least one marker positioned on the catheter as the catheter is advanced over the first guidewire while the flexible side sheath is simultaneously advanced over the second guidewire (the inherent purpose of the markers).

With regard to claim 3, at least one marker positioned on the catheter comprises viewing markers positioned adjacent the distal and proximal ends of the main stent (such as the black spots on either end of the stent in fig. 3a).

With regard to claim 4, at least partially deploying the main stent (10') within the main vessel (such as illustrated in fig. 2E).

With regard to claim 5, advancing a distal end of a second catheter (210) over the branch guidewire (212) and into the branch vessel (such as shown in fig 3c).

With regard to claim 6, deploying a branch stent with in the branch vessel (such as illustrated in fig. 2e), wherein the branch stent is positioned on the distal end of the second catheter (such as shown in fig. 3a-3c).

With regard to claim 8, advancing the flexible side sheath over the branch guidewire such that the side opening in the main stent is positioned at the ostium of a branch vessel, comprises: advancing the flexible side sheath over the branch guidewire such that a distal end of the flexible side sheath is advanced into the ostium of the branch vessel (such as shown in fig. 3c).

With regard to claim 9, viewing relative movement of a marker positioned on the flexible side sheath with respect to at least one marker positioned on the catheter, wherein the relative movement indicates that a portion of the flexible side sheath adjacent the side opening in the main stent is advancing into the ostium of the branch vessel, thereby indicating the position of the side opening of the main stent with respect to the ostium of the branch vessel (the inherent function of the markers).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

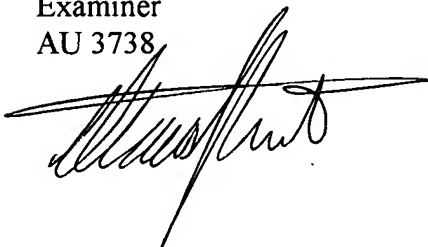
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Sweet whose telephone number is 571-272-4761. The examiner can normally be reached on 5:45am - 4:15pm, Tu-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine M. McDermott can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas J Sweet  
Examiner  
AU 3738

A handwritten signature in black ink, appearing to read 'Thomas J Sweet', with a long horizontal stroke extending to the right.